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Attorney for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAJA KANNAN,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:17-cv-07305-EJD (VKD)

**DEFENDANT APPLE INC.'S
FURTHER STATEMENT RE
BONUS/STOCK AWARD PER DKT.
255**

Complaint Filed: December 26, 2017
FAC Filed: May 10, 2018
SAC Filed: October 19, 2018

Pursuant to the Order of Magistrate Judge Virginia DeMarchi (Dkt. 255), Defendant APPLE INC. (“Apple” or “Defendant”), by and through its respective counsel of record, hereby respectfully submits its further statement regarding whether the amount of an RSU award or performance bonus to an employee may be expressed as a range or category, or in some other way that does not disclose the precise amount of such an award or bonus but nevertheless permits Mr. Kannan to use the information to prosecute his claims that he was treated unfairly compared to other employees working under Joseph Kotni.

With respect to the bonus and RSUs issued each year as part of the annual performance review process, Apple proposes that bonus and RSU awards for each member of Joseph Kotni’s team be characterized with the designations of “Low,” “Medium,” and “High” where Low represents 1-33% of the maximum amount, Medium represents 34-66% of the maximum amount, and High represents 67-100% of the maximum amount of a performance bonus or RSUs for the particular job level for the particular Fiscal Year. The maximum amount for Fiscal Years 2014 through 2018 will be based on the applicable compensation guidelines, with the maximum being the maximum performance bonus or RSU award available for a particular job level in Joseph Kotni’s department for that particular Fiscal Year as set forth in the applicable compensation guidelines. Because Apple does not have records of the compensation guidelines in Joseph Kotni’s department for Fiscal Years 2011 and 2012, and the compensation guidelines for Fiscal Year 2013 do not include a maximum performance bonus or RSU award amount available for a particular job level, the maximum amount for Fiscal Years 2011 through 2013 will be based on the highest performance bonus or RSU award that was granted among the employees listed in the chart for a particular job level for that particular Fiscal Year. If no performance bonus or non-Apple Seed RSUs were awarded as part of the performance review process in a Fiscal Year, Apple would note “None” in the particular category.

A hypothetical example of Apple’s proposed format for the performance bonus and non-Apple Seed RSUs awarded for Fiscal Years 2014 and 2015 is set forth below:

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Employee	Job Level	Fiscal Year 2014 Performance Bonus	Fiscal Year 2014 Non-Apple Seed RSU Award	Fiscal Year 2015 Performance Bonus	Fiscal Year 2015 Non-Apple Seed RSU Award
Employee #1	IC4	High	Medium	Medium	Low
Employee #2	IC5	Medium	Medium	High	None

Dated: May 26, 2020

BAKER & McKENZIE LLP

By: /s/ Todd K. Boyer

Todd K. Boyer
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APPLE INC.